

Attorney Docket No. 03703/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Akira YAHAGI et al
Serial No. : 10/716,904
Filed : November 19, 2003
For : VARIABLE OPTICAL
ATTENUATOR
Art Unit : 2873
Examiner :

**INFORMATION DISCLOSURE STATEMENT
AND
STATEMENT UNDER 37 CFR 1.97(e)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

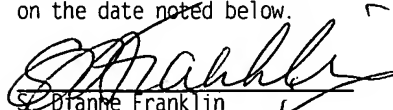
Submitted herewith are:

- (1) Copy of a communication (Search Report) issued from a foreign patent office in a counterpart European application;
- (2) Copies of the cited publications; and
- (3) Forms PTO/SB/08A (2 pages). It is requested that an initialed copy of the Forms PTO/SB/08A be returned to indicate that the publications listed therein have all been considered and made of record.

Said communication is in English, thereby satisfying the requirements for a concise explanation of relevance for any non-English language documents cited therein (MPEP 609 III A(3)).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date noted below.


Brianne Franklin

Dated: April 15, 2004

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

STATEMENT UNDER 37 CFR 1.97(e) (1)

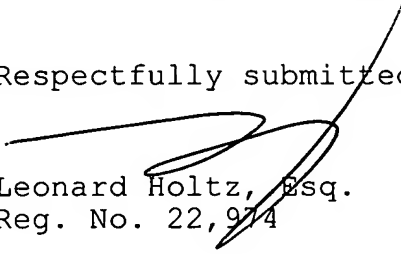
Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the present Information Disclosure Statement. Said Communication bears a mailing date of March 1, 2004. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

As seen from the listing of family members in the European Search Report, USP 6,483,962, U.S. Published Application No. 2002/018615 and Canadian CA 2307251 have U.S. patent family members. Said U.S. patent family members are also identified on the attached Forms PTO/SB/08A.

Copies of the patent family members of USP 6,483,962, U.S. Published Application No. 2002/018615 and Canadian CA 2307251 identified on the attached Forms PTO/SB/08A are not enclosed herewith since the USPTO waived the requirement to file copies of U.S. patents and U.S. patent application publications for U.S. patent applications filed after June 30, 2003. See the USPTO Notice dated July 11, 2003.

It is respectfully requested that the Examiner consider all of the documents listing on the attached Forms PTO/SB/08A and make them of record.

Respectfully submitted,


Leonard Holtz, Esq.
Reg. No. 22,974

Dated: April 15, 2004

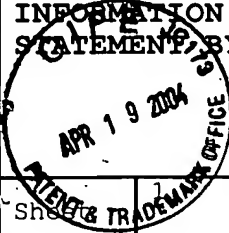
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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT 		Application Number	10/716,904
		Filing Date	November 19, 2003
		First Named Inventor	Akira YAHAGI et al
		Group Art Unit	2873
		Examiner Name	
Sheet 1 of 2	Attorney Docket Number	03703/LH	

U.S. PATENT DOCUMENTS

Exam. Inits [*]	Cite No ¹	Document Number	Kind Code ²	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		6,137,941	A	ROBINSON	10-24-2000	
		6,483,962	B1	NOVOTNY	11-19-2002	
		2002/0018615	A1	LAOR et al	02-14-2002	
		2002/0130561	A1	TEMESVARY et al	09-19-2002	
		6,625,341	B1	NOVOTNY	09-23-2003	
		6,295,154	B1	LAOR et al	09-25-2001	
		2003/164997	A1	ORCUTT et al	09-04-2003	

FOREIGN PATENT DOCUMENTS

Exam Inits [*]	Cite No ¹	Offc ³	Document Number ⁴	Kind Code ⁵	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T ⁶
		CA	2,307,251	A	JDS UNIPHASE INC.	10-30-2000		

Examiner Signature		Date Considered	
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^{*} EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Place a check here if English translation is attached.

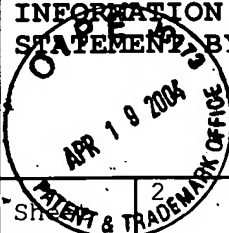
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Sheet 2 of 2	Attorney Docket Number	03703/LH	

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		6,430,332	B1	LAOR et al	06-08-2002	
		6,353,694	B1	PAIAM	03-05-2002	
		6,449,404	B1	PAIAM	09-10-2002	
		6,285,504	B1	DIEMEER	09-04-2001	
		6,535,672	B1	PAIAM	03-18-2003	

FOREIGN PATENT DOCUMENTS

Exam Inits [*]	Cite No ¹	Offc ³	Document Number ⁴	Kind Code ⁵	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T ⁶

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ² See kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Place a check here if English translation is attached.

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